UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1996/8
14 August 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-second session
Item 9 (b) of the provisional agenda

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Report of the third International Workshop on National Institutions for the Promotion and Protection of Human Rights

(Manila, 18-21 April 1995)

CONTENTS

		Paragraphs	Page
I.	ORGANIZATION OF THE WORKSHOP	1 - 17	4
	A. Participants	7	5
	B. Documentation	8	5
	C. Opening of the workshop	9 - 12	5
	D. Election of officers, agenda and programme of work	13 - 17	7

CONTENTS (continued)

		Paragraphs	Page
II.	REPORT OF THE CHAIRMAN OF THE COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS	18 - 20	7
III.	ITEM I: ASSESSMENT OF IMPLEMENTATION OF THE PRINCIPLES RELATING TO THE STATUS OF NATIONAL INSTITUTIONS	21 - 27	8
IV.	ITEM II: ASSESSMENT OF IMPLEMENTATION OF RESOLUTIONS ADOPTED AT THE WORLD CONFERENCE ON HUMAN RIGHTS AND OF RECOMMENDATIONS OF THE SECOND INTERNATIONAL WORKSHOP ON NATIONAL INSTITUTIONS	28 - 35	9
	A. Exploitation of children	28 - 31	9
	B. Discrimination against women	32 - 33	10
	C. Persons with disabilities	34 - 35	11
V.	ITEM III: CREATING AND STRENGTHENING NATIONAL INSTITUTIONS	36 - 46	11
	A. Ways and means of assisting the establishment or strengthening of national institutions . .	36 - 38	11
	B. Implementation of the programme of action for technical cooperation to national institutions	39	12
	C. Regional cooperation	40	13
	D. Funding of national institutions' activities .	41 - 44	13
	E. The relevance of the Human Development Index to the concerns of national institutions . . .	45 - 46	14
VI.	ITEM IV: NATIONAL INSTITUTIONS AND THE FIGHT AGAINST RACISM AND RACIAL DISCRIMINATION	47 - 48	14
VII.	ITEM V: NATIONAL INSTITUTIONS AND THE PROTECTION OF MIGRANT WORKERS	49 - 50	15
VIII.	ITEM VI: NATIONAL INSTITUTIONS AND INDIGENOUS PEOPLES	51 - 52	15

CONTENTS (continued)

		Paragraphs	Page
IX.	ITEM VII: RELATIONS BETWEEN NATIONAL INSTITUTIONS AND THE COMMISSION ON HUMAN RIGHTS AND OTHER UNITED NATIONS FORUMS	53 - 54	16
X.	ITEM VIII: CONTRIBUTION OF NATIONAL INSTITUTIONS TO THE FOURTH WORLD CONFERENCE ON WOMEN AND THE FIFTIETH ANNIVERSARY OF THE UNITED NATIONS	55 - 57	16
XI.	ADOPTION OF RECOMMENDATIONS AND THE MANILA DECLARATION	58	17
XII.	CLOSURE OF THE WORKSHOP	59 - 62	17

Annexes

I.	List of participants	18
II.	List of documents	24
III.	Programme of the workshop	27
IV.	Manila Declaration	31
V.	Recommendations adopted by the workshop	33
VI.	Message of support to the National Human Rights Monitoring Organization and the women of Algeria	40

I. ORGANIZATION OF THE WORKSHOP

1. The third International Workshop on National Institutions for the Promotion and Protection of Human Rights was held at Manila from 18 to 21 April 1995. It was organized by the United Nations Centre for Human Rights, in cooperation with the Philippine Commission for Human Rights.

2. It should be noted at the outset that this activity was the latest step in a process which had been under way for several years. In 1990, the Commission on Human Rights called for a workshop to be convened with the participation of national and regional institutions involved in the protection and promotion of human rights. The workshop was to review patterns of cooperation between national institutions and international institutions such as the United Nations and its specialized agencies, and to explore ways of increasing their effectiveness. The conclusions of this important workshop, held in Paris in October 1991, were transmitted by the Commission on Human Rights, in its resolution 1992/54, as the "Principles relating to the status of national institutions", to the General Assembly, which adopted them in 1993 (resolution 48/134, annex). The Principles, inter alia, affirmed that national institutions are to be vested with competence to protect and promote human rights and given as broad a mandate as possible, set forth clearly in a constitutional or legislative text.

3. During preparations for the World Conference on Human Rights, a decision was made to organize a meeting of national institutions to be held during the Conference itself. This meeting examined, inter alia, the purposes of national institutions, the key requisites for appropriate and effective functioning, including representativity and accessibility, and mechanisms for coordinating inter-institutional activities. The Vienna Declaration and Programme of Action, which emerged from the World Conference, confirmed many important principles such as the indivisibility and interdependence of all human rights, and established an ambitious agenda for human rights into the twenty-first century. With regard to national institutions, the World Conference:

(a) Reaffirmed the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, in the dissemination of human rights information, and education about human rights;

(b) Encouraged the establishment and strengthening of national institutions, having regard to the "Principles relating to the status of national institutions", and recognizing that it is the right of each State to choose the framework which is best suited to its particular needs at the national level.

4. The World Conference also called upon Governments to strengthen national institutions which play a role in promoting and safeguarding human rights; recommended the strengthening of United Nations activities and programmes to meet requests for assistance from States for the establishment or strengthening of national institutions; encouraged cooperation between national institutions, particularly through exchanges of information and

experience, as well as cooperation with regional organizations and the United Nations; recommended, in that regard, that periodic meetings be convened of representatives of national institutions, under the auspices of the Centre for Human Rights, to examine ways and means of improving their mechanisms and sharing experiences.

5. In December 1993, the Centre for Human Rights organized, at Tunis, the second International Workshop on National Institutions for the Promotion and Protection of Human Rights. The purpose of the workshop was to consolidate the work begun in Paris by further elaborating the roles and responsibilities of national institutions. Another important objective was to develop and reinforce patterns of cooperation between individual institutions at both regional and international levels. A number of recommendations relating to the strengthening of national institutions were adopted at the Tunis meeting, along with specific recommendations on matters such as women, children and the disabled. The full text of all recommendations is contained in the report of the workshop (E/CN.4/1994/45).

6. The purpose of the third meeting of national institutions was to assess the implementation of the Principles relating to the status of national institutions and to consider ways and means of strengthening existing national institutions and encouraging their creation in countries where they do not yet exist. In that connection, the meeting sought to address a plan of action for the creation and strengthening of national institutions prepared by the Centre for Human Rights; as well as to review activities carried out at national and regional levels to promote the concept of national institutions.

A. Participants

7. A full list of participants is contained in annex I to this report.

B. Documentation

8. A full list of documents prepared for the third workshop is attached as annex II.

C. Opening of the workshop

9. The third International Workshop on National Institutions for the Promotion and Protection of Human Rights was opened at a ceremony hosted by the President of the Philippines, His Excellency Mr. Fidel V. Ramos, at Malacañang Palace, during the morning of Tuesday, 18 April 1995.

10. The ceremony began with a welcoming address by Mr. Sedfrey Ordoñez, Chairman of the Philippines Commission on Human Rights. Mr. Ordoñez, speaking of the objectives of the workshop, referred to that part of the Civil Code of the Philippines which states that "every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith". The speaker emphasized the importance of seeking unity in diversity and, in connection with the theme of human rights, outlined the struggles undertaken in the Philippines in recent years. Mr. Ordoñez noted that post facto investigation of human rights violations was not enough. Attention should be paid to ways in which such

violations could be prevented. Education was essential in that respect and the Philippines Human Rights Commission had been particularly active in educating all groups including law enforcement and security forces. An Inter-agency Task Force for Strategic Planning and Research for Human Rights Protection had been established by presidential order and was engaged in developing a long-term plan. The speaker concluded by reiterating that the task of the third International Workshop was promotional and developmental. The goal was to prevent human rights violations.

11. The opening address was delivered by Mr. Hamid Gaham of the Centre for Human Rights on behalf of the United Nations High Commissioner for Human Rights, Mr. José Ayala Lasso. He provided a brief overview of the work of the United Nations in the field of human rights, identifying three distinct phases of action: standard-setting, implementation and prevention. In regard to the last phase, he pointed out that rights could best be protected at the national level through adequate legislation, the enactment and enforcement of individual safeguards and remedies, and the establishment of democratic structures. National institutions had a crucial role to play in each of those areas. Mr. Gaham then summarized efforts being made both within and outside the United Nations to encourage the creation and strengthening of national institutions. With regard to the work of the Centre for Human Rights, reference was made to the implementation of the Centre's plan of action for technical cooperation to national institutions. Mr. Gaham concluded by reminding the gathering that human rights violations were still occurring, with alarming frequency and intensity, in all parts of the world. At the same time there were unprecedented assertions of entitlement to fundamental human rights. The role of national institutions in encouraging that development and in promoting the strengthening of the human rights systems at national, regional and international levels was crucial.

12. In his statement, His Excellency Mr. Fidel V. Ramos, President of the Philippines, referred to the Universal Declaration of Human Rights as the "common standard of achievement for all peoples and all nations". The President outlined the significant achievements which had been made in the area of national human rights institutions. He pointed out that while there were indeed common standards, differing national realities would dictate that there would be as many "models" of national institutions as there were States Members of the United Nations. The President also referred to the special situation of Asia which was the only geographical area of the world without a regional human rights structure. The President expressed his wish to see such an arrangement established in Asia. One of the problems which could be addressed through that arrangements, as well as through the United Nations itself, was the serious problem of protecting the rights of migrant workers. The President then provided a brief overview of the Philippine experience of human rights, the constitutional provisions relating to human rights, and the position which the Philippines had taken, both regionally and internationally, regarding the protection of human rights and fundamental freedoms. The President referred to the fundamental tenet of democracy and the important position which the notion of democracy occupied in Philippine society. Accordingly, steps had been taken to ensure that the people had a voice in the development and implementation of public policy at all levels.

D. Election of officers, agenda and programme of work

13. Mr. Sedfrey A. Ordoñez was elected Chairman of the third International Workshop by acclamation.

14. Mr. Ordoñez, reporting the decision of the Coordinating Committee on the matter, nominated Mr. Hector Davalos (National Commission of Human Rights, Mexico) as Rapporteur. The nomination was approved.

15. After discussion, the programme was amended slightly to include the matter of persons with disabilities under item II. The programme was adopted as amended. The final programme is attached at annex III.

16. The Chairman then announced the setting up of a drafting committee which would be composed of the delegations of the national institutions from Australia, France, Canada, Mexico, the Philippines and Tunisia. The committee would be chaired by the representative of the Philippines. Following a suggestion from the Tunisian delegate, it was agreed that the representative of the national institution from Cameroon replace Tunisia on the Committee. The Chairman informed the meeting that all representatives of national institutions were free to assist the Committee in its work.

17. With regard to procedure, the Chairman informed the meeting that in view of the full agenda, time-limits would be imposed on all speakers. Keynote speakers would be given 15 minutes with an additional 10 minutes at the conclusion of the plenary discussion scheduled under each item. Participants in the plenary discussion would be limited to five minutes. The order of speakers would be as follows: first, representatives of national human rights institutions; second, representatives of Governments; third, representatives of international organizations including specialized agencies of the United Nations; and fourth, representatives of non-governmental organizations.

II. REPORT OF THE CHAIRMAN OF THE COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS

18. The Chairman of the Coordinating Committee of National Institutions, Mr. Maxwell Yalden (Canadian Human Rights Commission), presented a brief report to the workshop on the work of the Committee. Mr. Yalden recalled that the Committee had been established at the second International Workshop and given the mandate to follow up recommendations made at the World Conference and at subsequent workshops, as well as to maintain contact with the United Nations Centre for Human Rights, particularly in relation to establishing and implementing a joint plan of action. The Coordinating Committee was also charged with assisting in the organization of the third International Workshop.

19. The speaker reiterated the commitments made by national institutions at Vienna and Tunis in regard to strengthening their own activities and reiterated the importance of the Principles relating to the status of national institutions (the "Paris Principles") in guiding the work of the institutions. He also reminded participants of the efforts made by the Committee to enable national institutions to participate actively, with a defined status, in the work of the United Nations. In that regard, he described the efforts of the

Coordinating Committee during the last session of the Commission on Human Rights and informed the workshop that despite the Committee's best efforts, there was no final agreement on the matter. Mr. Yalden encouraged representatives of national institutions to encourage their own Governments to promote the granting of special status to national institutions in United Nations forums.

20. The Chairman of the Coordinating Committee also raised concerns about the funding of national institutions' activities. In view of the widespread recognition of the importance of the work of national institutions, such activities should be funded through the regular budget of the United Nations rather than depend upon the generosity of a few States. The speaker concluded his address by referring to efforts to strengthen national human rights institutions and the importance of calling upon available practical expertise.

III. ITEM I: ASSESSMENT OF IMPLEMENTATION OF THE PRINCIPLES RELATING TO THE STATUS OF NATIONAL INSTITUTIONS

21. The first agenda item was introduced by the Chairman of the Canadian Human Rights Commission, Mr. Maxwell Yalden. The speaker emphasized the crucial importance of the Paris Principles in guiding the development and strengthening of national human rights institutions. He analysed the major points of the Principles, in particular those directed at ensuring independence of action as well as basic operational requirements.

22. The speaker informed the workshop of the efforts made to evaluate the implementation of the Paris Principles through the development and implementation of a reporting system. Unfortunately, not all institutions had replied to the questionnaire sent in 1994. Those national institutions which had not replied were urged to do so as soon as possible.

23. With regard to promoting adherence to the Paris Principles, the speaker stressed the need to promote the criteria set forth in the Principles, in particular the need for national institutions to be independent, pluralistic, and established by law or under the Constitution, and the need for national institutions to take an active role in promoting national implementation of international human rights standards.

24. During the discussion, support was expressed for the Paris Principles and for their widespread dissemination. There was general agreement that the Principles provided excellent guidelines against which the progress of an institution could be measured - although the importance of taking account of national differences was also emphasized. Several national institutions spoke about their work in the areas of human rights education and training, advising and assisting Governments in human rights matters, investigating alleged human rights violations and promoting the implementation of international human rights conventions.

25. The initiative of the National Commission of Human Rights of Mexico to publish a directory of national institutions was lauded and it was suggested that the directory be updated regularly. One speaker highlighted the importance of allowing non-governmental organizations to assist national institutions. The socio-economic dimension of human rights

violations was raised as was the principle of universality, and the group was encouraged to consider human rights problems in those contexts.

26. Several participants expressed the view that greater benefit would have been derived had the background documents been distributed earlier to allow time for study and consideration. In that context, the short lead time up to the third workshop was noted. One speaker called upon the workshop to reconsider the term "national institution for the promotion and protection of human rights" with a view to replacing it with something shorter and more accurate. The proposed change was seen by a later speaker to be somewhat problematic in view of the work which had already been undertaken.

27. Independence (acknowledged to be a relative term) was considered, by a number of speakers, to be essential for the effective functioning of national institutions. Given its importance, the group was encouraged to consider how independence (both legal and operational) could best be fostered.

IV. ITEM II: ASSESSMENT OF IMPLEMENTATION OF RESOLUTIONS ADOPTED AT THE WORLD CONFERENCE ON HUMAN RIGHTS AND OF RECOMMENDATIONS OF THE SECOND INTERNATIONAL WORKSHOP ON NATIONAL INSTITUTIONS

A. Exploitation of children

28. The keynote address on the sub-item was delivered by the representative of the Australian Human Rights and Equal Opportunities Commission, who reminded participants that children were among the most vulnerable of all groups within society and that their protection therefore deserved special attention. The sexual exploitation of children was of particular concern. The speaker highlighted the problem of "sex tourism" and outlined the attempts of the Australian Government to deal with it through enactment of legislation which criminalized and punished participation in such activities, whether within or outside Australian jurisdiction. The speaker highlighted the difficulty of defining "child exploitation" and suggested that the notion of child exploitation be included in the definition of "sexual exploitation". Addressing the proposed optional protocol to the Convention on the Rights of the Child on the exploitation of children, she outlined a number of concrete recommendations. These referred, inter alia, to the need to ensure inter-State cooperation in eliminating child exploitation as well as the need to protect privacy and other needs of children. The representative concluded her address by highlighting the importance of ensuring that the United Nations committed sufficient funds and resources to this vital initiative.

29. The United Nations Special Rapporteur on the sale of children and child exploitation, Ms. Calcetas-Santos, paid tribute to her immediate predecessor, Mr. Vitit Muntarbhorn, for his exhaustive work in this area, and briefly explained her own mandate. The Special Rapporteur emphasized the importance of arriving at a legal definition of "sale" and provided examples of the wide variety of activities which could potentially fall within such a definition. She then noted a number of recent developments or trends in the area of child exploitation and spoke briefly about the serious problem of child pornography.

30. Other participants addressed particular aspects of the problem, including the pervasive issue of child labour, and described the various ways in which their respective national institutions had acted to address those and other issues. In that context, the representative from the national institution of Kuwait highlighted the plight of civilian Kuwaiti and non-Kuwaiti detainees in Iraqi prisons and invited those present to lend their support. The need for public information campaigns to highlight awareness of child exploitation was emphasized. Punishment of perpetrators, through extension of national jurisdiction where necessary, and assistance to victims were also considered to be important components of any strategy to deal with the problem of child exploitation. One participant recalled the plight of child victims of war and called for the inclusion of this category into the definition of child exploitation. It was subsequently noted that the proposed optional protocol did not exclude concern for child victims of conflict. The role of poverty and underdevelopment in child exploitation was also highlighted by a number of participants.

31. A number of participants expressed interest in the information which had been given concerning the drafting of an optional protocol to the Convention on the Rights of the Child and requested information on the drafting process. They were informed that the Commission on Human Rights, at its last session, had approved the establishment of a working group, which would meet in Geneva during the course of the year. It was agreed that the participation of national institutions in the drafting process was extremely important.

B. Discrimination against women

32. The keynote address on this sub-item was delivered by the representative of the New Zealand Human Rights Commission. The speaker reminded participants that women were not a minority either in the general population or, indeed, in the composition of many organizations working for human rights. However, when it came to the exercise of power, the inequalities between men and women became obvious. The Fourth World Conference on Women, scheduled to take place in Beijing later in the year, would be an excellent opportunity for the international community to address the human rights of women. The speaker then considered the work which had been done at the second International Workshop in the area of discrimination against women and made a number of specific recommendations for consideration by the present meeting. National institutions were to be encouraged, inter alia, to develop and implement programmes aimed at promoting and protecting the human rights of women, including particularly vulnerable women (ethnic minorities, the disabled, migrant workers, members of indigenous groups, etc.); to ensure that women were adequately represented within national institutions at all levels, including decision-making levels; and to address the problem of violence against women.

33. Several of the following speakers expressed their agreement with the keynote speaker regarding the important role which national institutions could play in promoting and protecting the human rights of all women. A number of representatives cited specific examples of discrimination in their own countries, particularly in the areas of family and property laws, and of measures being taken by national institutions to counter discrimination. The importance of education at all levels was emphasized. Ratification of the

Convention on the Elimination of All Forms of Discrimination against Women without substantive reservations, and/or the removal of such reservations where they existed, were also considered essential. The representative of the Algerian human rights institution spoke of the terrible plight of women victims of the civil strife in Algeria and called on the Beijing Conference to address that urgent concern. The importance of finding out what each national institution was doing for women was underlined. By way of conclusion, it was agreed that the concerns of women were fundamental human rights issues which must be addressed accordingly by national institutions and all other bodies involved in the promotion and protection of human rights.

C. Persons with disabilities

34. The keynote speaker for this sub-item, the representative of the Canadian Human Rights Commission, outlined the efforts which had been made at previous meetings in the matter of disability and expressed the view that progress had been made in implementing earlier resolutions. He acknowledged the draft resolution prepared by Australia on the topic and expressed his support for the resolution. The speaker underlined the great need to secure the rights of persons with disabilities, to inform persons with disabilities of their rights, to ensure that information materials were accessible to disabled persons, to ensure equality of opportunity in all areas including employment and social services, and to eliminate all physical barriers to the full participation in society of persons with disabilities.

35. The recommendations made by Australia were generally endorsed by the group. One speaker pointed out that national institutions themselves should take steps to ensure that they were physically accessible to persons with disabilities both in terms of their physical premises as well as in relation to how they conducted their work. Legislation was necessary, as was consultation with disabled persons. The HIV virus should be considered under the heading of disability. The links between various applicable rights in that context should be acknowledged and explored.

V. ITEM III: CREATING AND STRENGTHENING NATIONAL INSTITUTIONS

A. Ways and means of assisting the establishment or strengthening of national institutions

36. The sub-item was introduced by the representative of the Philippines Commission on Human Rights. The representative outlined the key features of an "ideal" national human rights institution, emphasizing an ability to reach all levels of society and Government and an impartial, efficient management structure. The speaker recounted the experience of the Philippines Commission in seeking to attain those goals. He stressed the importance of ensuring that members of any national institution were widely respected persons of the highest integrity. The institution should also be a collegial body, composed of persons from all sectors of society. The representative concluded his address by quoting from a paper presented by a non-governmental organization of the Philippines: "independence in their operation and finances [should be guaranteed] ... these bodies should be mandated by the highest political authority in their respective countries, enshrined in their constitutions and freed from partisan politics. They should have complete budgetary and

operational autonomy from the rest of the government. They should have full prosecutorial powers subject only to the highest judicial organ of the government."

37. Many of the following speakers echoed the representative's call for partnerships between national institutions and other bodies, such as NGOs, which were in a position to increase the institutions' effectiveness. The importance of ensuring the highest possible standards in appointment of members was also affirmed, as was the need to seek collegiality. Several speakers recounted the experiences of their own organizations in meeting those particular challenges. Several participants spoke of the urgent need to assist in the establishment of national institutions in Africa and it was proposed that regional initiatives might be useful in this regard. The importance of political will, at both national and international levels, to the success of national institutions was acknowledged. There was a need to meet and collaborate at all levels and to pool resources and expertise. In that regard, the role of the Coordinating Committee was very important, although at the same time, it should be noted that the Coordinating Committee was not a club and its mandate and membership should be subject to reconsideration at the workshop. The Paris Principles must be disseminated and made widely known and efforts should be made to ascertain whether the Principles were being complied with. Other speakers provided an account of the recent efforts of their Governments to establish a national institution in accordance with the Paris Principles and explained some of the political, economic and other difficulties which had been faced in that task.

38. One speaker noted that the number of participants had not increased greatly over the past four years and that much work remained to be done. The same speaker also referred to recent efforts of national institutions to be accorded special status within United Nations bodies, particularly the Commission on Human Rights. The speaker reported that despite the diligent work of the Coordinating Committee in that regard, States Members of the United Nations were clearly not yet prepared to support such an initiative. The representative of the Centre for Human Rights responded to the point, informing participants that in accordance with a request from the Commission on Human Rights, the Secretariat had solicited the views of Member States. Unfortunately, only a very small number of replies were received. Another speaker pointed out that States had, on at least several occasions in international forums, expressed their support for the work of national institutions. That was now international policy which must be implemented. It was agreed that United Nations assistance in that regard was vital, as was support from other sectors of society including NGOs.

B. Implementation of the programme of action for technical cooperation to national institutions

39. The representative of the Centre for Human Rights briefly explained the objectives and scope of the Centre's technical cooperation programme. She addressed that component of the programme dealing with national human rights institutions. The speaker referred to the plan of action which had been developed by the Centre in consultation with national institutions. The plan sets out a strategy to provide technical and other assistance in the creation of new institutions or in the strengthening of existing ones. A background

paper prepared for the workshop explained in detail how the Centre was implementing this plan of action. The speaker drew the attention of participants to the fact that the Centre was receiving an increasing number of requests from Governments and institutions in that area. At the moment, the Centre was endeavouring to ensure that all responses received a positive reaction. In providing assistance, it would be necessary for the Centre to call upon the expertise of practitioners. The Centre would also like to develop a database of legislation establishing national human rights institutions and would be grateful to receive copies of such legislation from the national institutions represented at the workshop. The speaker concluded by informing the meeting that the Handbook on the Establishment and Strengthening of National Institutions is being printed and would be distributed to all national institutions very shortly.

C. Regional cooperation

40. This sub-item was considered together with sub-item D. on Funding of national institutions' activities.

D. Funding of national institutions' activities

41. These two sub-items were addressed by Mr. Brian Burdekin, special guest of the Philippines Commission on Human Rights. On the matter of regional cooperation, Mr. Burdekin called the workshop's attention to an excellent background paper on this matter prepared by the Mexican Commission. National institutions had a vital role to play in promoting and strengthening regional arrangements, whether between national institutions or at the intergovernmental level. Concerning progress during the past four years, the speaker noted that national institutions had been established in India and Indonesia, two of the most populous countries in the world. The need for a regional human rights arrangements in Asia was emphasized, with the view being expressed that it would perhaps better reflect the present realities of the situation to work for subregional arrangements. Bilateral exchanges and coordination were excellent ways of facilitating such arrangements and at that level, national institutions should take the initiative. Regional networks of institutions should be established as part of that process. It was essential to recognize a holistic concept of human rights by embracing the full spectrum of economic, social, cultural, civil and political rights.

42. On the matter of financing the activities of national institutions, it should be acknowledged that funding would always be inadequate and that expectations would always be higher than what was delivered; that was perhaps as it should be. National institutions should begin to be creative about funding; they should seek to supplement their funds without compromising their independence and integrity.

43. During the discussion, participants expressed their agreement with the keynote speaker on the matter of regional cooperation and on the need for such cooperation in Asia. One speaker recounted the experience, within Europe, of promoting cooperation between national institutions. Proposals to undertake similar initiatives in Africa were warmly encouraged. In relation to the Americas, it was noted that only Mexico and Canada represented the region at the workshop, despite the fact that a number of other countries in the

Americas had established, or were in the process of establishing, human rights institutions. The matter of securing financing for activities of national institutions was considered to be extremely important. It was agreed that national institutions should take responsibility for addressing the issue both individually and collectively.

44. One speaker drew participants' attention to the Centre's plan of action for technical assistance to national institutions and expressed the view that insufficient weight had been given to the need for encouraging the establishment of new institutions in Africa. The representative of the Centre informed the speaker that a new text, incorporating that important point, would be made available as soon as possible.

E. The relevance of the Human Development Index to the concerns of national institutions

45. This sub-item was introduced by the UNDP Resident Representative and Resident Coordinator in the Philippines, Mr. Kevin McGrath. Mr. McGrath explained the basic concepts of human development (of people, by people and for people) with its emphasis on enlarging choices and enhancing well-being. The Human Development Index was a way of measuring achievement in human development and took into account life expectancy, literacy and income. The speaker explained the relationship between human development and human rights, citing the essential need for freedom in personal and collective decision-making. In addition, a measure such as the HDI could provide a wealth of information on matters such as whether economic growth was leading to increased well-being, and might point to the existence of geographical or ethnic disparities in development. The Index could also be a valuable means of identifying situations of human insecurity - situations which may lead to conflict and civil disturbance. The speaker concluded by re-emphasizing the link between human development and human rights and freedoms.

46. In the following discussion, participants expressed their agreement with the keynote speaker on the importance of identifying the link between development and human rights. The reliability of data was considered to be crucial. Several examples of human insecurity in different countries were given. One participant addressed the problem of coordination within the United Nations system on matters such as human rights and development. The Resident Representative, in his reply, agreed that there was a problem and expressed the view that a strengthened Economic and Social Council could be extremely useful in regard to human security.

VI. ITEM IV: NATIONAL INSTITUTIONS AND THE FIGHT AGAINST RACISM AND RACIAL DISCRIMINATION

47. The representative of the Advisory Commission on Human Rights of France, in his address introducing the item, asserted that protection of human rights would inevitably involve a fight against racism and xenophobia. The speaker explained the work of his Commission in that area and offered to distribute reports on activities against racism. The problem of racism was not becoming less serious and it was possible to identify new forms and new manifestations. Careful analysis was required of the causes of racial discrimination and of possible solutions. Specific recommendations to address the problems of

racism and racial discrimination had been made at a recent workshop held at Strasbourg. These included the development and dissemination of information materials, the training of public officials, including police, and the implementation of strong administrative measures.

48. Support was expressed during the discussion for the comments of the keynote speaker. Several participants focused on the role of national institutions in fighting racism and racial discrimination and called upon national institutions to lead the struggle in that area. There was also a great need for regional initiatives, taking account of the particular problems facing individual countries. In that context, one speaker described the experience of the Council of Europe in creating an independent body to address the problem of racial discrimination. Isolationism should always be a concern and the economic dimensions of racism should not be forgotten.

VII. ITEM V: NATIONAL INSTITUTIONS AND THE PROTECTION OF MIGRANT WORKERS

49. The item was introduced by the representative of the Higher Committee for Human Rights and Fundamental Freedoms of Tunisia. The speaker referred to the address of the President of the Philippines who had highlighted the plight of migrant workers throughout the world and emphasized the need for international action to protect their basic human rights. The situation of migrant workers throughout the world was becoming increasingly disturbing with a distinct rise in racism and xenophobia. As a matter of historical reality, such persons were regarded as intruders and not easily integrated into society. National institutions should call upon their respective Governments to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. National institutions should also push for legal equality for all migrant workers and should campaign for greater public awareness of the rights to which migrant workers are entitled. The host countries should encourage integration while respecting cultural differences.

50. In the ensuing discussion, mention was made of the need to clarify what is an extremely complex problem in terms of both host countries and countries of origin. There are responsibilities on both sides and the need for cooperation should be acknowledged. The human rights of migrant workers should be incorporated into national legislation. Several speakers provided details of their own experiences in relation to migrant workers. It was also noted that that particular human rights problem was not limited to a few countries but was global in scope and should be addressed accordingly.

VIII. ITEM VI: NATIONAL INSTITUTIONS AND INDIGENOUS PEOPLES

51. The item was introduced by the representative of the National Commission of Human Rights of Mexico. The representative began by confirming the basic human rights to which all indigenous persons, as individuals, were entitled. He identified a number of problems which had been associated with the identification and acceptance of collective rights. At the same time, significant progress had been made and a number of fundamental human rights principles (e.g. relating to non-discrimination) which protected the individual as a member of a social group could be used to strengthen the claim

for collective rights. The speaker considered the international community to be at a crossroads vis-à-vis individual and collective rights. On the specific matter of indigenous rights, the speaker traced the work of the international community, particularly in relation to culture and cultural rights, law and custom, sovereignty and autonomy. He concluded that while significant progress had been made, much remained to be done at all levels.

52. Several participants related the experiences of their commissions in dealing with the human rights problems of indigenous peoples. The need for the protection of their identity was emphasized as was the need for flexibility and creativity in developing solutions. There was a continuing, urgent need for public education on the rights of indigenous peoples. National institutions had a special role to play in facilitating the struggle of indigenous peoples and in promoting their access to international forums. The difficult problem of the legal relationship between indigenous peoples and their Governments should be addressed as a priority. Indigenous peoples were a part of society; their rights must be protected accordingly.

IX. ITEM VII: RELATIONS BETWEEN NATIONAL INSTITUTIONS AND THE COMMISSION ON HUMAN RIGHTS AND OTHER UNITED NATIONS FORUMS

53. This item was introduced by the representative of the United Nations Centre for Human Rights who cited the relevant sections of the Vienna Declaration and Programme of Action concerning national institutions. He then explained in detail the process by which the Economic and Social Council granted consultative status to certain non-governmental organizations. It was by virtue of such status that NGOs participated in the work of the Commission on Human Rights. Such considerations could be useful to national institutions as a reference point in possible future discussions with ECOSOC concerning their own status.

54. In the ensuing discussions, one representative rejected the notion of seeking status equivalent to that which was granted to NGOs and specialized agencies. Nor was it sufficient, according to another speaker, for national institutions to be able to speak only through their government delegations. A new status was required which reflected the unique role and position of national institutions. There was a clear need to obtain government support in that regard. It was agreed that national institutions required an appropriate United Nations status in order to be able to function effectively. It might be necessary or desirable to take the matter to the highest levels of the United Nations as soon as possible. There was an urgent need to ascertain the most appropriate approach and to act accordingly.

X. ITEM VIII: CONTRIBUTION OF NATIONAL INSTITUTIONS TO THE FOURTH WORLD CONFERENCE ON WOMEN AND THE FIFTIETH ANNIVERSARY OF THE UNITED NATIONS

55. On the matter of the World Conference on Women, the representative of the New Zealand Human Rights Commission directed participants to her background paper (HR/MANILA/1995/SEM/BP.11) and urged all national institutions to liaise very closely with non-governmental organizations involved in the human rights of women. She herself would be attending the conference and would be happy

to represent informally other national human rights institutions. In her view the final document of the workshop should make specific reference to the conference.

56. In the following discussion participants expressed support for the speaker, particularly on the point relating to working with NGOs. It was considered useful to try and organize a meeting of representatives of national institutions at the conference. It was suggested that the New Zealand Commissioner represent the Coordinating Committee in Beijing.

57. With regard to the fiftieth anniversary of the United Nations, participants were directed to the background paper (HR/MANILA/1995/SEM/BP.12) prepared by the Canadian Human Rights Commission. In introducing the paper, the speaker referred to the importance of incorporating concepts of human dignity and human rights into all aspects of the work of the United Nations and of national institutions. It was suggested that the Drafting Committee include reference to the anniversary in the final statement of the workshop.

XI. ADOPTION OF RECOMMENDATIONS AND THE MANILA DECLARATION

58. At the final meeting of the workshop, the Rapporteur presented his report and, on behalf of the Drafting Committee, presented the draft Manila Declaration and recommendations for consideration. A message of support to the National Human Rights Monitoring Organization of Algeria and the women of Algeria was also presented. After some discussion, during which a number of minor amendments to the drafts were proposed, the drafts were approved by the workshop. The texts of the Manila Declaration, the recommendations and the message of support are contained in annexes IV-VI.

XII. CLOSURE OF THE WORKSHOP

59. The closing ceremony was presided over by Mr. Sedfrey Ordoñez, Chairman and head of the host institution. Mr. Ordoñez thanked the Drafting Committee and the Rapporteur for their excellent work. He congratulated the participants on the consistently high level of the interventions. He urged all representatives of national institutions to continue their vital work in promoting and protecting the human rights of all persons.

60. In his final address, Mr. Hamid Gaham, representative of the United Nations Centre for Human Rights, also expressed his appreciation to the participants for their hard work and commitment. The spirit of the Paris Principles had been strengthened considerably as a result of the workshop. He reaffirmed the support of the United Nations for the work of national institutions. Mr. Gaham recalled the important role which the Government of the Philippines had played in human rights at the international level. On behalf of the participants, he thanked the President, the Government and the Philippine Commission on Human Rights for their unfailing assistance and support in ensuring the success of the workshop.

61. Concluding statements echoing this appreciation and confirming the success of the workshop were made by a number of representatives.

62. The meeting was adjourned on 21 April 1995.

Annex I

LIST OF PARTICIPANTS

A. National institutions and ombudsmen

National Human Rights Monitoring Organization (Algeria)

Mr. Kamel Rezzag Bara
President

Human Rights and Equal Opportunity Commission (Australia)

Ms. Elizabeth Hastings
Disability Discrimination Commissioner

Mr. Kieren Fitzpatrick
Senior Policy Adviser

National Commission on Human Rights and Freedoms (Cameroon)

Dr. Solomon Nfor Gwei
President

Ms. Lucy Gwanmesia
Assistant-Secretary

Canadian Human Rights Commission (Canada)

Mr. Maxwell Yalden
President

Mr. John Dwyer
Senior Adviser

Mr. Yves Lafontaine
Chief Commissioner of the Commission on Human Rights (Quebec)

National Commission on Human Rights (Central African Republic)

Mr. Jean Kossangue
Vice-President

Advisory Commission on Human Rights (France)

Mr. Paul Bouchet
President

Mr. Gérard Fellous
Secretary-General

National Human Rights Commission (India)

Mr. R.V. Pillai
Secretary-General

Mr. Justice S.S. Kang
Member

National Commission for Human Rights (Indonesia)

Ms. Myriam Budiadjo
Vice-Chair

Committee on the Defense of Human Rights of the National Assembly (Kuwait)

Mr. Ali Al-Baghli
Chairman

Mr. Ahmad Al-Shuraian
Member

Mr. Khalid Al-Balhan
Member

National Commission of Human Rights (Mexico)

Mr. Hector Davalos Martinez
Executive Secretary

Advisory Council on Human Rights (Morocco)

Mr. Thami El Khyari
Member

Mr. Ahmed Lasky
Member

Mr. Mohamed Seddiqi
Member

Human Rights Commission (New Zealand)

Ms. Pamela Jeffries OBE
Chief Commissioner

Commission on Human Rights (Philippines)

Mr. Sedfrey A. Ordoñez
Chairman

Mr. Narciso C. Monteiro
Commissioner

Commission on Human Rights (Philippines) (continued)

Ms. Mercedes V. Contreras
Commissioner

Mr. Nasser A. Morohomsalic
Commissioner

Mr. Vicente P. Sibulo
Commissioner

Human Rights Committee (Senegal)

Mr. Malick Sow
Secretary-General

The Ombudsman against Ethnic Discrimination (Sweden)

Mr. Frank Orton
Ombudsman

National Commission on Human Rights (Togo)

Mr. Aboudou Assouma
President

Higher Committee for Human Rights and Fundamental Freedoms (Tunisia)

Mr. Rachid Driss
President

Human Rights Inquiry Commission of the Grand National Assembly (Turkey)

Mr. Sabri Yavuz
Chairman

Mr. Tinaz Titiz
Deputy for Ankara

B. Special guest

Mr. Brian Burdekin (Australia)

C. Institutes

Institute of International Legal Studies, University of the Philippines Law Center (Philippines)

Mrs. Paz Esperanza M. Cortes
Ms. Ma Rowena Gonzales

D. United Nations bodies and special procedures

Special Rapporteur on the sale of children of the United Nations Commission on Human Rights

Ms. Ofelia Calcetas-Santos (Philippines)

United Nations Information Centre

Mr. Luis Torez

E. United Nations bodies and specialized agencies

United Nations Children's Fund

Mr. Keshab B. Mathema

United Nations High Commissioner for Refugees

Ms. Merida O'Donnell-Morales

United Nations Development programme

Mr. Kevin McGrath
Mr. Edwin Sangoyo

F. Intergovernmental organizations

European Commission

Ms. Silvia Llorens

International Organization for Migration

Mr. Rodrigo Alano

G. Non-governmental organizations

Amnesty International

Mr. Peter Perfecto

Asian Institute of Journalism

Ms. Myla Santos
Ms. Florangel Braid

Ateneo Human Rights Center

Mr. Sedfrey Candelaria

Ateneo Center for Social Policy

Mr. Eric Ahorro

Canadian International Development Agency

Mr. Cristobal Agravante, Jr.

Ecumenical Commission for Displaced Families and Communities

Ms. Ditas F. Go-Zurbano

Families of Involuntary Disappearances

Mr. Ruben Resus

Friedrich Ebert Foundation

Mr. Tos Anonuevo

Philippine Alliance of Human Rights Advocates

Mr. Auxilium T. Olayu
Mr. Rene Sarmiento

Group against Detention and for Amnesty of Ex-Detainees (SELDA)

Ms. Marie Enriquez

Scalabrini Migration Center

Mr. Graziano Battistella
Ms. Stella Joaquin

Swedish Save the Children

Mr. Dan O'Donnell

Task Force Detainees of the Philippines

Ms. Maria Salud Moraleda
Mrs. Agnes Rio De Mesa

The Asian Foundation

Mr. Jaime Faustino

Virlanie Foundation

Mr. Dominique Lemay
Ms. Emmanuelle Hoss
Ms. Isabelle Marie Janotto

H. Other organizations

International Committee of the Red Cross

Mr. Jean-François Golay

I. Governments

Canada	Mr. Robert Beadle Mr. Stephen Heeney Ms. Carol Buenafe
Cuba	Mrs. Teresita Fidez Dias
China	Mr. Baodong Li
India	Mrs. Nandhi Iyer Krishna
Indonesia	Mr. Rahardjo Mustadjab
Iran (Islamic Republic of)	Mr. Abolafzl Eslami
Japan	Mr. Morinasuke Takeda Mr. Kenichi Nishimura
Latvia	Ms. Vita Terauba
Morocco	Mr. Abdeslam Bou Imajdil
Nigeria	Mr. Hakeem Olawale Sulaiman Mr. Bukhari Bellow
Philippines	Ms. Minerva Laudico Ms. Amy C. Lasaro Ms. Trina Singson Mr. Olivia Palala Mr. Henry D. Castro Ms. Linda Soria Mr. Leo Kison Mr. Mateo Mayugua Mr. Abraham Din Ms. Jenny Llaguno
Thailand	Mr. Trakul Winitnaiyapak Mr. Prinya Kaewman

Annex II

LIST OF DOCUMENTS

HR/MANILA/1995/SEM/BP.1	Background paper prepared by the Canadian Human Rights Commission - Paris Principles
HR/MANILA/1995/SEM/BP.2	Background paper prepared by the Australian Commission on Human Rights and Equal Opportunity - An optional protocol on sexual exploitation of children
HR/MANILA/1995/SEM/BP.3	Not issued
HR/MANILA/1995/SEM/BP.4	Background paper prepared by the Philippines Commission on Human Rights - Constitutionalism in the Philippines
HR/MANILA/1995/SEM/BP.4/Add.1	Background paper prepared by the Resident Representative of UNDP - The relevance of the Human Development Index to the concerns of national human rights institutions
HR/MANILA/1995/SEM/BP.5	Background paper prepared by the Centre for Human Rights - Programme of action for technical cooperation to encourage the creation of national institutions, to strengthen existing national institutions and to develop cooperation and coordination between national institutions
HR/MANILA/1995/SEM/BP.5/Add.1	Background paper prepared by the Centre for Human Rights - National human rights institutions and the technical cooperation programme of the United Nations Centre for Human Rights
HR/MANILA/1995/SEM/BP.6	Cooperative arrangements for national institutions in the Asian-Pacific Region - Discussion paper prepared by the Australian Human Rights and Equal Opportunity Commission
HR/MANILA/1995/SEM/BP.6/Add.1	Background paper prepared by the National Human Rights Commission of Mexico - Regional cooperation between national institutions for the protection and promotion of human rights in Latin America

HR/MANILA/1995/SEM/BP.7	Background paper prepared by the National Advisory Commission on Human Rights (France) - Extracts from the report of the first European Meeting of National Institutions for the Promotion and Protection of Human Rights, "Combating Racism and Xenophobia", Strasbourg, 7-9 November 1994
HR/MANILA/1995/SEM/BP.8	Background paper prepared by the National Human Rights Commission of Mexico - National institutions and the protection of migrant workers' rights
HR/MANILA/1995/SEM/BP.8/Add.1	Background paper prepared by the Tunisian Higher Committee on Human Rights and Fundamental Freedoms - Protection of migrant workers
HR/MANILA/1995/SEM/BP.9	Background paper prepared by the National Human Rights Commission of Mexico - National institutions and indigenous peoples
HR/MANILA/1995/SEM/BP.10	Background paper prepared by the Centre for Human Rights - Relations between national institutions and the Commission on Human Rights and other United Nations forums
HR/MANILA/1995/SEM/BP.11	Background paper prepared by the Human Rights Commission of New Zealand - contribution of national institutions to the Fourth World Conference on Women, Beijing, September 1995
HR/MANILA/1995/SEM/BP.12	Background paper prepared by the Canadian Human Rights Commission - National institutions and the fiftieth anniversary of the United Nations
HR/MANILA/1995/SEM/BP.13	Background paper prepared by the Canadian Human Rights Commission - National institutions and people with disabilities
HR/MANILA/1995/SEM/WP.1	Working paper prepared by the National Human Rights Commission of India - Spread of human rights literacy
HR/MANILA/1995/SEM/WP.2	Background paper prepared by the Indonesian National Commission on Human Rights - Creating national institutions

HR/MANILA/1995/SEM/WP.3	Working paper prepared by the Advisory Council on Human Rights of Morocco
HR/MANILA/1995/SEM/INF.1	Briefing note
HR/MANILA/1995/SEM/INF.2/ Rev.1 and Corr.1	Programme
HR/MANILA/1995/SEM/INF.3	Presidential Decrees Nos. 50/1993 and 455/M/1993 regarding the establishment of the Indonesian National Commission on Human Rights and the composition of its members
HR/MANILA/1995/SEM/INF.4	Human Development Index submitted by the United Nations Development Programme

Annex III

PROGRAMME OF THE WORKSHOP

Tuesday, 18 April

Morning

10.00-12.00 Opening of the workshop (Malacañang Palace):

- Welcoming address by Mr. Sedfrey Ordoñez, Chairman of the Philippines Commission on Human Rights
- Statement by Mr. Hamid Gaham on behalf of the United Nations High Commissioner for Human Rights, Mr. José Ayala-Lasso
- Opening statement by the President of the Philippines, H.E. Mr. Fidel Ramos

Afternoon Working Session I

14.30-15.30 Election of members of the Bureau

Adoption of the programme

Organization of work

Report of activities of the Coordinator of National Institutions

15.30-17.30 Item I: Assessment of implementation of the Principles relating to the status of national institutions (HR/MANILA/1995/SEM/BP.1)

Keynote address by a representative of the Canadian Human Rights Commission

Conclusion on item I

Wednesday, 19 April

Morning Working Session II

9.30-10.30 Item II: Assessment of implementation of resolutions adopted at the World Conference on Human Rights and of recommendations of the second International Workshop on National Institutions

(1) Exploitation of children (HR/MANILA/1995/SEM/BP.2)

Morning (continued)	Keynote address by a representative of the Australian Commission on Human Rights and Equal Opportunity
	Conclusion on item II (1)
10.30-11.30	(2) Discrimination against women (HR/MANILA/1995/SEM/BP.11)
	Keynote address by a representative of the New Zealand Commission on Human Rights
	Conclusion on item II (2)
11.30-12.30	(3) National institutions and people with disabilities (HR/MANILA/1995/SEM/BP.13)
	Keynote address by a representative of the Canadian Human Rights Commission
	Conclusion on item II (3)
Afternoon	Working Session III
14.30-16.00	Item III: Creating and strengthening national institutions
	(1) Ways and means of assisting the establishment or strengthening national institutions (HR/MANILA/1995/SEM/BP.4)
	Keynote address by a representative of the Philippines Commission on Human Rights
	Conclusion on item III (1)
	(2) Implementation of the programme of action for technical cooperation to national institutions (HR/MANILA/1995/SEM/BP.5 and Add.1)
	Handbook on National Institutions
	Introduction by a representative of the Centre for Human Rights
	Conclusion on item III (2)
16.00-17.30	(3) Regional cooperation (HR/MANILA/1995/SEM/BP.6 and Add.1)
	(4) Funding of national institutions' activities

Afternoon (continued)	Keynote address by Mr. Brian Burdekin, special guest of the Philippines Commission on Human Rights
	Conclusion on item III (3) and (4)

Thursday, 20 April

Morning	Working Session IV
9.30-10.00	Item III: (continued)
	(5) The relevance of the Human Development Index to the concerns of national institutions (HR/MANILA/1995/SEM/BP.4/Add.1)
	Keynote address by Mr. Kevin McGrath, Resident Representative of UNDP
	Conclusion on item III (5)
10.00-11.00	Item IV: National institutions and the fight against racism and racial discrimination (HR/MANILA/1995/SEM/BP.7)
	Keynote address by a representative of the Advisory Commission on Human Rights of France
	Conclusion on item IV
11.00-12.00	Item V: National institutions and the protection of migrant workers (HR/MANILA/1995/SEM/BP.8 and Add.1)
	Keynote address by a representative of the Tunisian Higher Committee on Human Rights and Fundamental Freedoms
	Conclusion on item V
12.00-13.00	Item VI: National institutions and indigenous peoples (HR/MANILA/1995/SEM/BP.9)
	Keynote address by a representative of the National Human Rights Commission of Mexico
	Conclusion on item VI
Afternoon	Working Session V
14.30-15.30	Item VII: Relations between national institutions and the Commission on Human Rights and other United Nations forums (HR/MANILA/1995/SEM/BP.10)

Afternoon (continued)	Keynote address by a representative of the Centre for Human Rights
	Conclusion on item VII
15.30-16.30	Item VIII: Contribution of national institutions to the Fourth World Conference on Women and the fiftieth anniversary of the United Nations (HR/MANILA/1995/SEM/BP.11; HR/MANILA/1995/SEM/BP.12)
	Keynotes addresses by the representative of the Human Rights Commission of New Zealand and the Canadian Commission on Human Rights
	Conclusion on item VIII
16.30-17.30	Synthesis of the discussions

Friday, 21 April

Morning	Working Session VI
9.00-11.00	Meeting of the Drafting Committee
	(1) Draft recommendation
	(2) Draft Manila Declaration
Afternoon	Working Session VII
15.00-16.00	Adoption of recommendations and Manila Declaration
16.00-17.00	Closure of the workshop

Annex IV

MANILA DECLARATION

Participants at the third International Workshop on National Institutions for the Promotion and Protection of Human Rights, meeting at Manila from 18 to 21 April 1995, draw inspiration from the Vienna Declaration and Programme of Action and the reaffirmation by the international community at the World Conference on Human Rights of international human rights standards and of the important role national human rights institutions play in securing those rights at the national level.

National institutions from all regions represented at the third International Workshop express solidarity with the principles of universality and indivisibility and with the Universal Declaration of Human Rights which recognizes that all human beings are born free and equal in dignity and rights and are entitled to equal protection against any form of discrimination.

National institutions help promote enhanced respect for the universality and indivisibility of civil and political and economic, social and cultural rights, particularly by ensuring that national legislation conforms to international obligations and that concrete measures are taken to ensure the enjoyment of rights on a non-discriminatory basis.

As an important facet of international human rights machinery, and as explicitly recognized at the World Conference, the role of national institutions needs to be formally confirmed with a defined status within the United Nations system.

National institutions also reaffirm their commitment to ensuring that their status and responsibilities are consistent with the Principles relating to the status of national institutions adopted by the General Assembly in December 1993. This is seen as essential because national institutions can be most effective and truly credible only if they are independent, pluralistic, established wherever possible by legislation or constitutional law and in other ways conform to the Principles referred to above.

National institutions urge the High Commissioner for Human Rights to continue his efforts to promote the acceptance of and adherence to international standards and ask him to pay particular attention to supporting the creation and strengthening of such institutions. In this regard, he should actively promote the criteria set out in the Principles as the basis for any efforts in this direction. For this reason, national institutions believe that all steps should be taken to widely disseminate the Principles.

National institutions wish to congratulate the United Nations during its fiftieth anniversary year for the dedication it has shown towards achieving the purposes set out in Article 55 of the Charter of the United Nations, including securing universal respect for, and observance of, human rights and fundamental freedoms for all.

At the third International Workshop, national institutions considered a range of human rights issues relating to children, people with disabilities, migrant workers, indigenous peoples, women, racism and xenophobia. Recommendations on these issues will be conveyed to the Commission on Human Rights.

National institutions recognize that the human rights of women are an integral part of all United Nations activities and look forward to the work of the Fourth World Conference on Women to be held in Beijing in 1995.

The promotion and protection of human rights is the responsibility of all elements of society and all those engaged in the defence of human rights should work in concert to secure their advancement. Therefore, at the national level, it is important that national institutions work in close cooperation with their respective Governments and with NGOs to ensure that human rights principles are fully implemented in effective and material ways.

At the international level, regional cooperation is considered as an essential factor to better ensure effective promotion and protection of human rights.

In this context, it is noted that regional human rights arrangements and mechanisms already exist in the European, African and American regions. National institutions recommend that, where necessary, these regional arrangements be strengthened, particularly through greater cooperation between existing national institutions.

With regard to the lack of a regional human rights mechanism in the Asian-Pacific region, national institutions noted the opening address of the President of the Philippines, Mr. Fidel Ramos, and in particular his emphasis on the need to encourage regional cooperation and establish a regional human rights mechanism in that region. National institutions recommend that priority should be given to the development of appropriate regional arrangements to ensure the effective implementation of international human rights instruments and of the Principles, and specifically to encourage Member States in the Asian-Pacific and African regions to establish appropriate regional human rights arrangements for the promotion and protection of human rights.

In addition, in very large and diverse regions, subregional arrangements may be an important step in building effective cooperation. National institutions encourage all Member States to take appropriate steps to promote the exchange by national institutions of information and experience concerning the establishment and operation of such national institutions and specifically to encourage more extensive cooperation between existing national institutions on a regional or subregional basis.

Annex V

RECOMMENDATIONS ADOPTED BY THE WORKSHOP

The third International Workshop on National Institutions for the Promotion and Protection of Human Rights, meeting at Manila from 18 to 21 April 1995 under the auspices of the United Nations Centre for Human Rights, adopted the following recommendations at the conclusion of their deliberations on 21 April 1995.

I. GENERAL RECOMMENDATIONS

National institutions attending the third International Workshop for the Promotion and Protection of Human Rights.

1. Recommend that the Commission on Human Rights:

(a) Recognize the unique status and independent character of national institutions and take appropriate measures to ensure that they participate in the work of the United Nations human rights bodies as individual national institutions with observer status, similar to their participation at the World Conference on Human Rights in Vienna;

(b) Request the Secretary-General to review the question of the status of national institutions with the utmost dispatch and that the Commission on Human Rights recognize an appropriate status for the national institutions;

(c) Facilitate the close cooperation between and periodic meetings of national institutions under the auspices of the United Nations Centre for Human Rights, as recommended in the Vienna Declaration and Programme of Action, including by ensuring that the necessary funds are committed for those purposes;

(d) Give priority to development of appropriate regional arrangements to ensure the effective implementation of international human rights instruments and of the Principles relating to the status of national institutions, and specifically to encourage Member States in the Asian-Pacific and African regions to establish appropriate regional human rights arrangements for the promotion and protection of human rights;

(e) Encourage all Member States to take appropriate steps to promote the exchange by national institutions of information and experience concerning the establishment and operation of such national institutions;

(f) Encourage States wishing to create national institutions to use the criteria set out in the Principles as the basis for such institutions and actively promote an understanding of the Principles and their importance for the effective functioning of national institutions among States Members of the United Nations.

2. Recommend that national institutions:

(a) Commit themselves to making every possible effort to ensure that equality of rights and freedoms is respected in their respective countries;

(b) Should be independent, pluralistic, established whenever possible by legislation or constitutional law and guided by the Principles relating to the status of national institutions, notwithstanding the particular situation of the countries in which they operate;

(c) Recommit themselves to take appropriate steps to attempt to ensure that their status and responsibilities are brought into line with the Principles and in this regard respond to a request by the Coordinating Committee to provide information on their status and responsibilities;

(d) Specifically encourage more extensive cooperation between existing national institutions, in particular in the Asian-Pacific and African regions. Mechanisms for regional cooperation could include bilateral consultations, staff exchanges, regional conferences and other appropriate mechanisms;

(e) Request their respective Governments to support the United Nations in its efforts in particular by seeking to increase the funds allocated to the United Nations Centre for Human Rights from the regular budget and, where possible, by contributing to a voluntary fund for purposes of creating and strengthening national institutions.

II. SPECIFIC RECOMMENDATIONS

A. With respect to the exploitation of children:

1. National institutions request the Commission on Human Rights to:

(a) Stress the obligations that fall on all Member States to protect children against all forms of exploitation, economic and sexual, including their exploitation during times of armed conflict;

(b) Encourage States to ensure that those found responsible for the exploitation of children are held legally responsible for their actions;

(c) Request that a mechanism be established to document situations of exploitation of children and to bring these situations, and recommendations on how to deal with them, to the attention of the appropriate authorities.

2. With particular regard to the troubling problem of the sexual exploitation of children, the Commission on Human Rights is requested to:

(a) Encourage all States Members of the United Nations to accord this issue the highest priority and respond urgently and effectively to the abuses which are occurring;

(b) Reaffirm the importance of the elaboration of an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

B. With respect to the rights of women:

1. The Commission on Human Rights is requested:

(a) To call on States to consider establishing national institutions which conform to the Principles relating to the status of national institutions with a mandate emphasizing, whenever necessary, the protection of the rights of women and girls from discrimination and to ensure the appointment of women in equal numbers with men to decision-making positions within those institutions;

(b) To develop an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women enabling individual complaints about non-compliance to be made to the United Nations Commission on Human Rights;

(c) To encourage closer cooperation and coordination between the Commission on Human Rights and the Commission on the Status of Women;

(d) To request the Special Rapporteur on violence against women to address the issue of atrocities committed by armed extremists against certain segments of the civilian population (intellectuals, journalists, foreigners, members of Islamic sects, Christians), especially women.

2. National institutions should:

(a) Have as an agenda priority the promotion and development of the human rights of women through complaint handling, education programmes, research and advice initiatives, and promotion of the Convention on the Elimination of All Forms of Discrimination against Women and other conventions concerning women;

(b) Develop plans and programmes to ensure the equal representation of women employees at all levels of employment within the national institution;

(c) Adopt a policy and programme for the advancement of indigenous women both within the institution and within the nation State;

(d) Recognize the special needs of women and girls who are migrant workers or disabled or from an ethnic minority;

(e) Adopt a specific plan of action in conformity with the Declaration on the Elimination of all Violence against Women and report at the fourth International Workshop on National Institutions for the Promotion and Protection of Human Rights on steps taken towards the elimination of violence against women.

C. With respect to the rights of persons with disabilities:

1. National institutions should:

(a) In consultation with people with disabilities and their representatives, review their accessibility to persons with disabilities

(including in terms of communications, physical access, and appropriate staff training), develop and implement measures to ensure equal accessibility to their services, programmes and facilities to persons with disabilities and exchange information regarding their experience in this respect;

(b) Consult regularly with organizations representing persons with disabilities to ensure that institutions are aware of, and give due attention to, human rights issues as they affect persons with disabilities;

(c) Give priority to ensuring that effective legislative protection against discrimination against persons with disabilities is in place and implemented, through the national institutions themselves and/or other appropriate agencies;

(d) Examine and pursue additions or alterations (such as in standards or codes of practice) which may be needed in addition to general anti-discrimination provisions to ensure effective operation of anti-discrimination law in the disability area, in that elimination of discrimination against persons with disabilities will in many cases require substantial changes in the built environment, methods of communication and the functioning of organizations throughout society, in addition to the changes in attitudes and actions more commonly associated with discrimination law;

(e) Given that legal protection against discrimination is necessary but not sufficient to ensure equal protection of the human rights of persons with disabilities, ensure that other appropriate legal and administrative arrangements are in place and function effectively to protect and promote the human rights of persons with disabilities, with particular attention to the rights of persons living in or receiving services through specialized institutions, persons with a disability involved in the criminal justice system and children and young persons with disabilities;

(f) Ensure that all relevant government agencies and social institutions exercise appropriate responsibility for protection and promotion of, and respect for the human rights of persons with disabilities;

(g) Work to promote implementation by their respective Governments and in their respective societies of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

(h) Respond to a questionnaire on progress in these respects which will be forwarded to them by the Coordinating Committee.

D. With respect to the fight against racism and racial discrimination:

1. National institutions request the Commission on Human Rights:

(a) To urge the United Nations to create on a permanent basis an international criminal court, competent in particular to judge the crime of genocide and crimes against humanity;

(b) To encourage the pooling of existing documentation, in particular by establishing databases on legislation and case law on the subject of combating racism and xenophobia.

2. National institutions should:

(a) Encourage their respective countries to ratify the International Convention on the Elimination of All Forms of Racial Discrimination and ensure the full application of its provisions, in particular by accepting the procedure for individual communications provided for in article 14 of the Convention and the withdrawal of any reservations they have formulated which limit the scope of the Convention;

(b) Emphasize the need to facilitate the access of foreigners and stateless persons to naturalization;

(c) Contribute actively to combating racism and xenophobia, if necessary extending their domestic competence to these issues;

(d) Seek specific powers to prosecute racist offences committed against individuals by the authorities acting in their official capacities;

(e) Take the initiative, in consultation with the professional groups concerned, to draw up codes of conduct on the subject of non-discrimination in the public service and in private relations;

(f) Request a study be undertaken on the use of new technologies (video games, computer networks) for the propagation of racial hatred and racial violence and that a set of domestic and international measures be put forward with urgency to end such abuses;

(g) Request the establishment of training programmes for specific categories of personnel (e.g. police, judges, educators) with a view to improving relations between the administrative authorities and foreigners;

(h) Emphasize the importance of positive measures, both nationally and locally, to combat all forms of exclusion and to promote genuine equality of rights and opportunity.

E. With respect to migrant workers:

National institutions should:

(a) At each of their periodic meetings present a report on the application of international instruments on migrant workers in their respective countries, setting out the main obstacles to the implementation of these instruments in order to assist future international conferences of national institutions to formulate adequate solutions;

(b) Encourage their respective Governments to take non-discriminating measures to assure freedom of movement, reasonable procedures for family reunification and fair access to employment, education and housing for migrant populations;

(c) Urge their respective Governments to sign and ratify the international human rights instruments concerning migrants;

(d) Where necessary and after an analysis of the situation, recommend to the appropriate authorities measures to eliminate violations of the human rights of immigrants;

(e) Request their respective Governments firmly to support the resolutions of United Nations organs and bodies against racial discrimination, xenophobia and other contemporary forms of intolerance and the application of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination;

(f) Set up a programme to disseminate information on the human rights of migrants and ways in which these rights are enforced;

(g) Conduct studies on the rights of those in society who lack proper documentation and are members of a vulnerable group, such as women and children who are therefore doubly vulnerable, and recommend appropriate action to protect their human rights;

(h) Play a greater role in drawing up national reports dealing with migration that are submitted to the United Nations mechanisms for the protection of human rights.

F. With respect to indigenous peoples:

National institutions request the Commission on Human Rights to:

(a) Urge all Member States to ratify the main international instruments on an urgent basis and to take practical measures to create institutions responsible for guaranteeing the implementation of these rights;

(b) To encourage all Member States to recognize:

(i) That human rights are based on the protection of the individual and that collective rights can never diminish or nullify the dignity and the freedom of the human person;

(ii) That collective rights find their main support in the principle of non-discrimination;

(iii) That indigenous peoples have the right to preserve their legitimate differences and that this right lies at the heart of the rule of non-discrimination and the principle of tolerance;

(iv) That indigenous rights should not be seen by either the representatives of indigenous communities or by the representatives of governmental bodies as being inimical to the structure and purposes of the State and, as a consequence, legal ways must be found to harmonize, where appropriate, national legal systems with indigenous customary law;

(v) That, in general, indigenous groups are not seeking to set up new States or to abolish internationally recognized rights, but rather expect effective measures to be developed to implement States' obligations towards them and to guarantee these rights;

(vi) That the protection and defence of human rights are, now as ever, the last recourse against threats and violence.

Annex VI

MESSAGE OF SUPPORT TO THE NATIONAL HUMAN RIGHTS MONITORING ORGANIZATION AND THE WOMEN OF ALGERIA

National institutions attending the third international workshop on national institutions for the promotion and protection of human rights,

Having listened to a description by the President of the Algerian National Human Rights Monitoring Organization of discrimination and violence against women, in particular female victims of extremism and terrorism in Algeria,

Having particular regard to the atrocities committed by armed extremists against certain segments of the civilian population, including intellectuals, journalists, foreigners, members of Islamic sects and Christians, and especially against women,

Denounce categorically the assassinations, rapes, threats and all other abuses committed by armed extremist groups against Algerian women, and consider these an intolerable denial of the universal principles which govern human society and, at the same time, a major violation of the human rights guaranteed by the pertinent international instruments,

Welcome this opportunity to commend the women of Algeria for their battle to defend with determination and with courage their right to life, to liberty, to citizenship and to participation with an equal status in the public, social and economic life of their country,

Express their support for the actions taken by the Algerian national institution and all human rights militants to defend and preserve human rights in the difficult conditions that prevail across Algeria,

Express their hope that a delegation of Algerian women will be invited by the Secretary-General of the United Nations to attend the Fourth World Conference on Women to be held in Beijing, as special guests of the Conference.